

REMARKS

I. Summary of Office Action

Claims 1-40 are pending in the application.

Claims 1-9, 11-13, 15-19, 22-24, 27-30, 31-34, and 36-39 were rejected by the Examiner under 35 U.S.C. § 102(b) as being unpatentable over U.S. Patent No. 5,870,564 to Jensen et al. (hereinafter, "Jensen"). The Examiner also rejected claims 10, 14, 25-26, 35, and 40 under 35 U.S.C. § 103(a) as being unpatentable over Jensen in view of U.S. Patent No. 5,088,032 to Bosack (hereinafter, "Bosack") and U.S. Patent No. 5,161,186 to Dolev (hereinafter, "Dolev"). Claim 20 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Jensen in view of U.S. Patent No. 6,597,658 to Simmons (hereinafter, "Simmons").

II. Summary of Applicants' Reply

The Examiner's rejections of claims 1-40 under 35 U.S.C. §§ 102(b) and 103(a) are respectfully traversed by applicants.

Reconsideration of this application is respectfully requested.

III. The Rejections of Independent Claims 1, 15, 31, and 36 Under 35 U.S.C. §102(b)

Each of independent claims 1, 15, 31, and 36 were rejected by the Examiner under 35 U.S.C. § 102(b) as being anticipated by Jensen. The Examiner's rejection of these claims is respectfully traversed.

Each of independent claims 1, 15, 31, and 36 recites that a Node is assigned "one or more coordinate labels" and the each coordinate label represents "a path."

In rejecting the claims, the Examiner has stated that:

each Node is assigned a set of one or more coordinate labels, each representing a path comprising one or Links or other Nodes (abstract, column 7, lines 52-63, column 8, lines 9-13, column 18, lines and 42-26 [sic]: potential paths; column 18, lines 19-34: On the other hand, the granule 176b along with its edge 178b and underlying or previous granule 172a remain in consideration for inclusion in a potential path, by virtue of the favorable potential edges 182c, 182d, and 182e.)

Office Action, page 2, line 22 through page 3, line 3 (addressing claim 1).

Although the Examiner appears to be asserting in this passage, and analogous passages for claims 15, 31, and 36, that paths are shown in Jensen, nowhere does the Examiner provide

any support for where “coordinate labels” are shown in this reference. In fact, nowhere in the cited sections is there any discussion of a label for a node or how that label is used. Rather, each of these passages simply discusses “paths” as that term is used in Jensen.

Moreover, although “coordinate label” is recited throughout other elements of the claims, the Examiner again fails to address how any coordinate labels are shown in Jensen. For example, claim 1 recites:

- (a) each Node is assigned a set of one or more **coordinate labels**, each representing a path comprising one or more Links or other Nodes;
- (b) at least one of said set of one or more **coordinate labels** is additionally comprised of service information;
- (c) each **coordinate label** is unique to the Node to which it is assigned; and
- (d) a path between a first Node and a second, non-adjacent Node being determined from one of said **coordinate labels** assigned to said first Node and one of said **coordinate labels** assigned to said second Node

(emphasis added). In rejection of element (c) of claim 1, the Examiner states “(column 7, lines 52-63: determining a near-optimal path limits the potential paths, evaluates currently acceptable potential path segments or edges.” Office Action, page 3, lines 8-10. Nowhere in this statement, or in the cited portion of Jensen, is there any indication of a “coordinate label,” that the coordinate label is “unique to [a] Node to which it is assigned,” or that a coordinate label is used to determine a path “between a first Node and a second, non-adjacent Node,” all as required by the claim 1 and the similar limitations of claims 15, 31, and 36.

Accordingly, applicants respectfully submit that, contrary to the Examiner’s contention, each of independent claims 1, 15, 31, and 36 are allowable for at least the foregoing reasons. Therefore, applicants respectfully request that the Examiner withdraw the rejections of these claims.

IV. The Rejections of Dependent Claims 2-14, 16-30, 32-35, and 37-40 Under 35 U.S.C. § 103(a)

The Examiner rejected each of dependent claims 2-14, 16-30, 32-35, and 37-40 under 35 U.S.C. § 103(a) as being unpatentable over a combination of Jensen, Bosack, Dolev, and Simmons. Applicants respectfully traverse the Examiner’s rejection of these claims.

Applicants respectfully submit that claims 2-14, 16-30, 32-35, and 37-40, each of which depends from one of independent claims 1, 15, 31, and 36, are allowable for at least the same

reasons that the independent claims are patentable as set forth above. Therefore, applicants respectfully request that the Examiner withdraw the rejections of claims 2-14, 16-30, 32-35, and 37-40.

V. Conclusion

Applicants respectfully submit that, as described above, the cited references do not show or suggest the combination of features recited in the claims. Applicants do not concede that the cited references show any of the elements recited in the claims. However, applicants have provided specific examples of elements in the claims that are clearly not present in the cited prior art.

Applicants strongly emphasize that one reviewing the prosecution history should not interpret any of the examples applicants have described herein in connection with distinguishing over the prior art as limiting to those specific features in isolation. Rather, applicants assert that it is the combination of elements recited in each of the claims, when each claim is interpreted as a whole, which is patentable. Applicants has emphasized certain features in the claims as clearly not present in the cited references, as discussed above. However, applicants do not concede that other features in the claims are found in the prior art. Rather, for the sake of simplicity, applicant are providing examples of why the claims described above are distinguishable over the cited prior art.

Applicants wish to clarify for the record, if necessary, that the claims have been amended to expedite prosecution. Moreover, applicants reserve the right to pursue the original subject matter recited in the present claims in a continuation application.

Any narrowing amendments made to the claims in the present Reply are not to be construed as a surrender of any subject matter between the original claims and the present claims; rather merely applicants' best attempt at providing one or more definitions of what the applicants believe to be suitable patent protection. In addition, the present claims provide the intended scope of protection that applicant are seeking for this application. Therefore, no estoppel should be presumed, and applicants' claims are intended to include a scope of protection under the Doctrine of Equivalents.

Further, applicants hereby retract any arguments and/or statements made during prosecution that are rejected by the Examiner during prosecution and/or that are unnecessary to

obtain allowance, and only maintain the arguments that persuade the Examiner with respect to the allowability of the patent claims, as one of ordinary skill would understand from a review of the prosecution history. That is, applicants specifically retract statements that one of ordinary skill would recognize from reading the file history as not necessary, not used and/or rejected by the Examiner in allowing the patent application.

For at least the reasons set forth above, applicants respectfully submit that this application, as amended, is in condition for allowance. Reconsideration and prompt allowance of the application are respectfully requested.

Respectfully submitted,

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